



Crl.O.P.No.25574 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.25574 of 2022

Mahalingam @ Sundaramahalingam

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Sirumugai Police Station,
Coimbatore.
(Crime No.230 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail, in the case pending investigation in
Crime No.230 of 2022 on the file of the respondent Police.

For Petitioner : Mr.Jeba Selvan Newman

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.08.2022, for the offences punishable under Section 302 of IPC @ Sections 302, 147, 148, 294(b), 341, 506(2), 120(B), 109 of IPC, in Crime No.230 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused and the deceased are known to each other and that the deceased was working in a TASMACH shop of A1 and there was previous enmity between them on account of a quarrel. The further allegation is that A1 thereby, engaged A2 to A8 to commit the murder of the deceased and thereby, assaulted the deceased with Aruval indiscriminately resulting in him sustaining injuries and he has taken to the hospital and where, he has been declared dead. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that even as per the FIR, only 4 persons are stated to



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have been involved in the offence. He would further submit that the allegation against the petitioner is that he was the driver, who has taken the other accused to the place of occurrence. He would also state that the petitioner was even unaware of the purpose for which the other accused was taken to the place of occurrence. He would further state that there are no previous cases as against the petitioner and the petitioner is in custody from 25.08.2022. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that there was enmity between A1 and the deceased. He would also submit that A1 had engaged the services of A2 to A8 and they have committed the murder of the victim by indiscriminately cutting him with Aruval. He would also submit that the allegation as against the petitioner is that he has driven the car and taken the other accused to the place of occurrence. He would also state that there are no previous cases as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



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5. Heard both the learned counsel and perused the materials available on record including the FIR.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and the period of incarceration suffered by the petitioner and also the fact that the allegation against the petitioner is that the petitioner has only taken the other accused to the place of occurrence and there is no specific overt act as against the petitioner and that the petitioner is in custody from 25.08.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Mettupalayam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall stay at Chennai and report before the Inspector of Police, North Beach Police Station, Chennai, daily at 10.30 a.m., and 05.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

19.10.2022

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To

1. The Judicial Magistrate,

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Mettupalayam.

2. The Inspector of Police,
Sirumugai Police Station,
Coimbatore.
3. The Sub Jail, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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